

Influencing the unacceptable?

Doctors and judicial corporal punishment

WHO IS RAIIF BADAWI?

Raif Badawi is a Saudi blogger sentenced to 10 years in jail and 1000 lashes for expressing liberal and secular views. He received the first 50 lashes in 2015. Human rights organisations and the United Nations (UN) expressed outrage, but the Saudis were unmoved. The remaining lashes were due to be administered in weekly 50s — but, thus far, they have not been.

Saudi doctors, usually GPs, assess prisoners prior to punishment,¹ and have repeatedly pronounced Mr Badawi unfit for flogging.² Whether they have done so with the complicity of an embarrassed state, or as a principled stand carrying personal risk, we cannot know. Nevertheless, we condemn any medical professional involvement at all. *Do no harm* is a central tenet of Western and Islamic medical ethics. To refuse to participate in judicial punishment might be perilous,³ but while this may help explain their position it cannot justify it. The UN Human Rights Council declared the participation of medical professionals in such punishments, including assessments of fitness to withstand them, a gross contravention of medical ethics, and to be an offence under international law.⁴

DOES IT MATTER WHAT WE THINK?

Do we have any business passing further comment? One could easily dismiss our secular perspective as too removed from the Kingdom's values to be relevant — but that's to suggest that the view from outside the box has no value, which can't be right. We have more in common with Saudi doctors than many external commentators, and can listen as well as talk. The fact that we do not condone participation in judicial punishment does not mean that we have no interest in their view, nor they in ours. Can dialogue ever be bad?

WHAT DO SAUDI CITIZENS THINK?

There is evidence of their discomfort. Saudi bioethicists describe conflict between Islamic medical ethics and Saudi law.⁵ Saudi

professional bodies blur their guidance: the Saudi Commission for Health Specialties (equivalent to our General Medical Council) publishes a detailed ethical code⁶ that obliges doctors not to participate in acts of harm, but then makes an exception *'for what was approved by the Islamic sharia, with a ruling from the religious judiciary'*. Islamic bioethics is grounded in religion, and since all Saudi law derives from Sharia the two are inextricably linked.⁷ Doctors may feel ethical, as well as religious and legal, obligations to uphold court judgments.⁵ But those seeking reform argue that Sharia, as revealed in the Qur'an, the word of God, and in the Sunnah, the teachings of the Prophet Mohammad (PBUH), is not rigid, but guidance from which religious scholars have developed legislation through *fiqh* (Islamic jurisprudence).^{5,8} As human interpretation of God's word this is not unquestionable.^{9,10} Indeed, inside the Kingdom Mr Badawi's case has been widely discussed, with scholars calling for reform and a new penal code. Public support on social media has debated whether his punishment accords with Sharia teachings, suggesting the public feel that, if not, the participation of doctors cannot be ethically justified.⁵

POTENTIAL FOR CHANGE?

Does this offer hope? Doctors are accorded high status in Islam. The idea of what a physician is and should be matters a great deal to the people and the state. Perhaps through discussion of their ethical position doctors could drive changes that external pressure cannot. Perhaps they would welcome our support. Saudi doctors are not the problem, but they could be part of solving it. If we are ready to listen we might find them ready to talk.

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